

ENTERED

July 16, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DANIEL R. BOWEN

Plaintiff.

VS.

UNIVERSITY OF TEXAS
MEDICAL BRANCH,

Defendant.

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CIVIL ACTION NO. 3:19-CV-00382

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On March 5, 2020, this case was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 19. On April 10, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 23) recommending that The University of Texas Medical Branch at Galveston's first amended motion to dismiss (Dkt. 13) be granted in part and denied in part.


On April 24, 2020, The University of Texas Medical Branch and Daniel Bowen each filed their objections. Dkts. 24 and 25. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The court carefully considered the objections raise by both parties, the memorandum and recommendation, the pleadings, the applicable law, and the record. The court accepts Judge Edison’s recommendation (Dkt. 23) and adopts it as the opinion of the court.

Accordingly, the court grants The University of Texas Medical Branch at Galveston’s first amended motion to dismiss (Dkt. 13) on the issue of the plaintiff’s claim for punitive damages. The court denies the motion to dismiss (Dkt. 13) on all other issues raised.

Signed on Galveston Island on the 16th day of July, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE